

SSB 5097 - H AMD 21
By Representative Sump

FAILED 02/16/2005

1 On page 3, beginning on line 29, strike all of section 5 and insert
2 the following:

3 "NEW SECTION. **Sec. 5.** The legislature finds that this act
4 codifies executive order 00-01 which requires the use of apprentices on
5 certain public works projects. The legislature further finds that
6 executive order 00-01 is currently in full force and effect.

7 The legislature further finds that Article II, section 1(b) of the
8 state Constitution reserves to the people the power to file a
9 referendum petition against any act, bill, law, or any part thereof,
10 passed by the legislature. There is an exception to the people's power
11 of referendum, however. When the legislature declares that an act is
12 necessary for the immediate preservation of the public peace, health or
13 safety, or the support of the state government and its existing public
14 institutions, the people's right of referendum is set aside, and the
15 act may take effect sooner than ninety days after the adjournment of
16 the session at which it was enacted.

17 The legislature notes that the state supreme court has said, "This
18 court is required to grant considerable deference to the Legislature's
19 determination that an emergency exists, giving it every favorable
20 presumption and deferring to its judgment unless it is obvious that the
21 declaration of emergency is false." *CLEAN v. State*, 130 Wn.2d 782, 812
22 (1996) (finding the Seattle baseball stadium was an emergency). In his
23 concurring opinion in *Washington State Labor Council v. Reed*, 149 Wn.2d
24 48, 62 (2003) (upholding the people's right to vote on Referendum
25 Measure No. 53), Justice Chambers noted, "The critical question is
26 whether the legislature has encroached upon the constitutional
27 authority reserved to the people."

28 The legislature further finds that, under the circumstances
29 surrounding this act, no reason exists to cause this bill to take
30 effect sooner than the normal ninety days after the session ends, in

1 that no benefit will be gained or burden avoided by codifying the
2 existing apprenticeship program. The apprenticeship program is
3 currently in place by virtue of executive order 00-01. Codifying an
4 executive order to create by statute an identical ongoing program is
5 clearly not an emergency and is not needed to protect public peace,
6 health, or safety, nor is it necessary to support the state government
7 and existing public institutions. The only effect of putting an
8 emergency clause on this legislation would be to proscribe the public's
9 constitutional power of referendum, and that the legislature should not
10 and must not do."

11 Correct the title.

EFFECT: Strikes the section declaring an emergency and providing for an immediate effective date.

Adds a section making findings about the effect of an emergency clause, including a finding that an immediate effective date is unnecessary, and noting certain state Supreme Court opinions.

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